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*Attorneys for Defendant/Third-Party Claims Plaintiff*

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**SAM HARGROVE, ANDRE HALL, and  
MARCO EUSEBIO,  
individually, and on behalf of all  
others similarly situated,**

**Plaintiffs,**

**v.**

**SLEEPY'S, LLC,**

**Defendant.**

**Civil Action No. 10-01138-PGS-LHG  
(Honorable Peter G. Sheridan)**

**FILED VIA ECF**

**ORAL ARGUMENT REQUESTED**

**SLEEPY'S, LLC,**

**Third-Party Claims Plaintiff,**

**v.**

**I STEALTH, LLC, EUSEBIO'S TRUCKING  
CORP., and CURVA TRUCKING, LLC,**

**Third-Party Claims Defendants.**

**NOTICE OF DEFENDANT/THIRD-PARTY CLAIM PLAINTIFF SLEEPY'S,  
LLC'S MOTION FOR SUMMARY JUDGMENT**

TO: ANTHONY L. MARCHETTI  
Marchetti Law, P.C.  
900 N. Kings Highway, Suite 306  
Cherry Hill, NJ 08034

Attorney for Plaintiffs Sam Hargrove, Andre Hall, and Marco Eusebio

**PLEASE TAKE NOTICE** that the undersigned attorneys for Defendant/Third-Claim Plaintiff Sleepy's, LLC ("Sleepy's") will move before the United States District Court for the District of New Jersey, Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street, Trenton, New Jersey, before the Honorable Peter G. Sheridan on May 16, 2016 at 10:00 a.m., or as soon thereafter as counsel may be heard, for entry of summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 56.1.

**PLEASE TAKE FURTHER NOTICE** that, in support of the Motion herein, the undersigned attorneys for Sleepy's will rely on the attached Brief in Support of Sleepy's Motion for Summary Judgment, Local Rule 56.1 Statement of Undisputed Material Facts, and supporting Exhibits.

**PLEASE TAKE FURTHER NOTICE** that a proposed form of Order is attached hereto.

**PLEASE TAKE FURTHER NOTICE** that oral argument is requested if timely opposition is filed.

Respectfully submitted,

/s Paul C. Lantis

Kimberly J. Gost

Theo E.M. Gould

Matthew J. Hank

Holly E. Rich

Paul C. Lantis

LITTLER MENDELSON, P.C.

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Date: April 22, 2016

Attorneys for Defendant/Third-Claim

Plaintiff Sleepy's, LLC

**CERTIFICATE OF SERVICE**

I hereby certify that, on April 22, 2016, a true and correct copy of the foregoing **Defendant Sleepy's, LLC's Notice of Motion, Motion for Summary Judgment, Local Rule 56.1 Statement of Undisputed Materials Facts, Brief in Support of Sleepy's Motion for Summary Judgment, and supporting exhibits, together with a proposed Order** was filed and served *via CM/ECF* electronic filing, addressed to the following party:

**ANTHONY L. MARCHETTI**  
Marchetti Law, P.C.  
900 N. Kings Highway, Suite 306  
Cherry Hill, NJ 08034

/s Paul C. Lantis